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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,277	01/23/2004	Adam W. Divelbiss	VREX-0018USAAON00	6184

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REVEO, INC.
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ELMSFORD, NY 10523

EXAMINER

ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/764,277

Applicant(s)

DIVELBISS ET AL.

Examiner

Abbas I. Abdulsalam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01/26/07 have been fully considered but they are not persuasive.

Applicant argues that that is no suggestion or motivation in combining the cited references, Chuang et al. (USPN 6687399) and of Kobayashi (USPN 5781321). However, as shown in the art rejection below, while Chuang does not teach the receiver being detachable from the shutter glass,

Kobayashi on the other hand teaches as shown in Fig. 2 a detachable IR emitting/receiving element 106 that is inserted into a desired one of the IR element connectors 103-105 to make an electrical connection to the transmitter/receiver of the apparatus 10 (col. 2, lines 18-24.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace Chuang's IR receiver 71 shown in Fig. 7 by Kobayashi's detachable IR emitting/receiving element 106 as configured in FIG. 2 for the purpose of the infrared communication with respect a LCD display 102 as taught by Kobayashi (col. 2, lines 15-24)

Moreover, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071,

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5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace Chuang's IR receiver 71 shown in Fig. 7 by Kobayashi's detachable IR emitting/receiving element 106 as configured in FIG. 2 for the purpose of the infrared communication with respect a LCD display 102 as taught by Kobayashi (col. 2, lines 15-24).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuang et al. (USPN 6687399) in view of Kobayashi (USPN 5781321).

Regarding claim 4, Chuang teaches a 3D shutter glass connection system (Fig. 7 and col. 4, lines 29-47) comprising: a shutter glass including a receiver; (wireless type receiver (71) at remote IR shutter glasses, col. 4, lines 37-38) a control unit including a transmitter for communicating with said receiver (the shutter glass is configured with an IR receiver 71 to receive IR signals from the output unit 40 and then transmitting the signals to a preamplifier 72 at the IR shutter glasses, col. 4, lines 41-44)

Chuang does not teach the receiver being detachable from the shutter glass.

Kobayashi on the other hand teaches as shown in Fig. 2 a detachable IR emitting/receiving element 106 that is inserted into a desired one of the IR element connectors 103-105 to make an electrical connection to the transmitter/receiver of the apparatus 10 (col. 2, lines 18-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace Chuang's IR receiver 71 shown in Fig. 7 by Kobayashi's detachable IR emitting/receiving element 106 as configured in FIG. 2 for the purpose of the infrared communication with respect a LCD display 102 as taught by Kobayashi (col. 2, lines 15-24)

Regarding claim 5, Kobayashi teaches the shutter glass is detachable (a detachable IR emitting/receiving element 106, Fig. 2 (106))

Regarding claim 6, Kobayashi teaches the receiver is a connector plug (connector Fig. 2(103)).

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Regarding claim 7, Chuang teaches said receiver is an infrared receiver (col. 4, lines 37-38, IR receiver (71)).

Regarding claim 8, Chuang teaches said receiver us a radio frequency receiver (col. 4, lines 33, IR or radio).

Regarding claim 9, Chuang teaches said receiver is interchangeably at least two different types of receivers (col. 4, lines 33, IR or radio).

Regarding claim 10, Kobayashi teaches said different types of receivers include one or more of a connector plug (connector Fig. 2(103)), an infrared receiver or a radio frequency receiver (col. 2, lines 18-24, detachable IR emitting/receiving element 106).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I. Abdulsalam whose telephone number is (571) 272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abbas Abdulsalam

Examiner

Art Unit 2629

April 10, 2007



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600